

United States District Court
Southern District of Texas
Houston Division

United States District Court
Southern District of Texas

ENTERED

September 25, 2019

David J. Bradley, Clerk

DISH Network L.L.C.,

Plaintiff,

V.

Easybox IPTV,

Defendant.

Civil Action No. 19-2994

Request for International Judicial Assistance on the Taking of Evidence

Identity and address of the applicant:

Judge Lynn N. Hughes
District Judge
United States District Court, Southern District of Texas
515 Rusk Ave.
Houston, TX 77002
USA

Central authority of the receiving state:

Central Authority of Québec
Direction des services professionnels
Entraide internationale
Ministère de la Justice
1200, route de l'Église, 2e étage
Québec (Québec) G1V 4M1
Canada

Judge Lynn N. Hughes has the honor and judicial authority to submit this request on behalf of DISH Network, L.L.C., under Article 3 of the Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (Hague Convention No. 20).

The United States District Court for the Southern District of Texas presents its compliments to the judicial authorities of Canada and requests international judicial assistance to obtain evidence to be used in a civil proceeding before this Court.

In accordance with Article 9 of Hague Convention No. 20, this Court requests the assistance of the Courts of Canada to compel the OVH Hosting, Inc., to submit the requested evidence (see Exhibit A) to an appropriately designated authority for Canada for subsequent return to this court for examination.

Plaintiff	Defendant
DISH Network L.L.C. 9601 South Meridian Boulevard Englewood, Colorado 80112 <i>Plaintiff's Legal Representatives</i> Stephen M. Ferguson Joseph H. Boyle HAGAN NOLL & BOYLE, LLC 820 Gessner, Suite 940 Houston, TX 77024 USA Telephone: (713) 343-0478 Facsimile: (713) 758-0146 stephen.ferguson@hnbllc.com joe.boyle@hnbllc.com	Easybox IPTV <i>Defendants' Legal Representatives</i> Unknown. Defendants have not made an appearance.

Representative designated to act on behalf of this court in relation to this request:

It is requested that should contact or correspondence be required in relation to this request, the following individual is appointed in this matter for that purpose:

Stephen M. Ferguson
 HAGAN NOLL & BOYLE, LLC
 820 Gessner, Suite 940
 Houston, TX 77024
 USA
 Telephone: (713) 343-0478
 Facsimile: (713) 758-0146
 stephen.ferguson@hnbllc.com

Entity from whom evidence is requested:

OVH Hosting, Inc.
1801 McGill College Ave., Suite 800
Montreal, Quebec H3A 2N4
Canada
Phone Number: 1-855-684-5463

Relevance-Connection to Request:

This Court respectfully requests that the Courts of Canada appoint judicial authority in Canada to preside over this request and compel the OVH Hosting, Inc., to provide the evidence described in Exhibit A, which is relevant to DISH's case. OVH Hosting Inc. shall be permitted to have counsel present.

OVH Hosting Inc. is a business entity, operating and doing business in Canada, and in possession of the requested evidence and information.

Subject Matter and Relativity of this Request:

Plaintiff, DISH Network L.L.C. (DISH) has filed claims in this Court against Easybox IPTV (Easybox) for direct copyright infringement. DISH asserts that Easybox transmitted television channels that are exclusively licensed to DISH in the United States (Protected Channels), to consumers of Easybox set-top boxes, smart IPTV subscriptions, and subscription renewals in the United States (Easybox Users).

Easybox sells and promotes Easybox branded set-top boxes, smart IPTV subscriptions, and subscription renewals to consumers of Easybox service. Easybox Users can receive unauthorized access to the Protected Channels by using Easybox set-top boxes, smart IPTV subscriptions, and subscription renewals.

DISH believes OVH Hosting Inc. supplies internet and leases servers that are controlled, paid for, or used to transmit the Protected Channels to Easybox Users. The identity of the persons or entities that leased the servers is relevant to liability and necessary to uncover defendants' true identities.

The Court, therefore, requests, in the interest of justice, that the judicial authority of Canada issue an order, in accordance with Articles 9 and 10 of Hague Convention No. 20 and the laws and procedures of the Courts of Canada, summoning OVH Hosting Inc. to produce an appropriate representative to provide the requested evidence (see Exhibit A) to the authority for Canada, to be ultimately returned to this Court for use at trial in this case.

Specific Requests:

1. The Court requests that should any portion of this request be denied, that such denial not affect the remainder of this request. In accordance with Article 13 of Hague Convention No. 20, the Court requests that the above-designated representative, and this Court, be immediately informed of any such refusal and the associated legal grounds.

2. The Court requests that the judicial authorities of Canada issue an order for the requested documents (see Exhibit A) to be produced as quickly as possible.

3. In accordance with Article 9 of Hague Convention No. 20, the Court requests that the appropriate authority in Canada provide to this Court, as soon as convenient, all information regarding decisions made relating to the acquisition of evidence from OVH Hosting Inc.

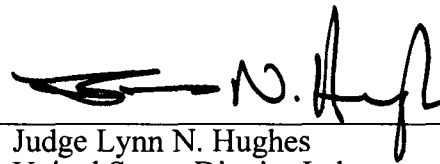
4. The Court requests that any documents and evidence produced be properly sealed and authenticated by the appropriate authority for, and in accordance with the laws of, Canada and returned to this Court for examination and use in this case.

Any costs associated with acquisition, production, authentication or return of this evidence shall be the responsibility of the DISH in this matter and said costs shall be reimbursed upon request to DISH's legal representatives.

When required, the below-signed judicial authority shall provide reciprocal assistance to the judicial authorities of Canada.

H.

WITNESS, Lynn N. Hughes, United States District Judge for the Southern District of Texas,
September 24, 2019.

A handwritten signature in black ink, appearing to read "L. N. Hughes", written over a horizontal line.

Judge Lynn N. Hughes
United States District Judge
Southern District of Texas
515 Rusk Ave.
Houston, TX 77002
USA

(SEAL OF COURT)

United States District Court
Southern District of Texas
Houston Division

DISH Network, L.L.C.,

Plaintiff,

v.

Easybox IPTV,

Defendant.

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Attachment A

Definitions Applicable to Document Requests

“Customer” means the person or entity responsible for each of the following IPs:

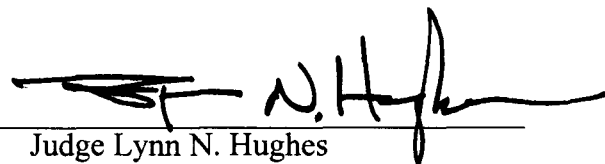
1. 144.217.72.45 on September 27, 2018 at 10:38 MDT; and
2. 149.56.26.88 on March 8, 2018 at 11:00 MDT.

Document Requests

1. Documents sufficient to identify the full name and contact information (including telephone number, street address, and email address) for each Customer.
2. Documents sufficient to identify each product and service that you licensed, sold, or provided to each Customer from January 2016 to the present, including all IP addresses assigned to each Customer.
3. Documents sufficient to identify the IP address of any origin server associated with each Customer.
4. Documents submitted to you to create or make changes to each account associated with each Customer.
5. Account statements for each account associated with each Customer from January 2016 to the present.

6. Payment records for each account associated with each Customer from January 2016 to the present.

7. Communications that you sent to or received from each Customer, such as account set-up correspondence and support tickets, between January 2016 and the present.

A handwritten signature in black ink, appearing to read "L. N. Hughes", is written over a horizontal line.

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